

1 THE HONORABLE KYMBERLY K. EVANSON

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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SAMANTHA COHODAS,

11 Plaintiff,

12 v.

13 THE CONTINENTAL INSURANCE  
COMPANY, a foreign corporation,

14 Defendant.

No. 2:22-cv-01561-KKE

**DECLARATION OF ANTHONY  
TODARO IN SUPPORT OF  
DEFENDANT CONTINENTAL  
INSURANCE COMPANY'S  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT AND CONTINENTAL'S  
OPPOSITION AND MOTION TO  
STRIKE PLAINTIFF'S MOTION TO  
EXCLUDE OPINIONS OF JULIA  
MOLANDER**

**NOTED ON MOTION CALENDAR:**  
June 20, 2024

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19 I, Anthony Todaro, declare as follows:

20 1. I am an attorney of record for defendant Continental Insurance Company  
21 ("Defendant") in the above-captioned matter and am competent to testify to the matters set forth  
22 herein. I submit this declaration in support of Defendant's Opposition to Plaintiff's Motion for  
23 Summary Judgment.

24 2. Attached as **Exhibit 1** is a true and correct copy of the Continental Insurance  
25 Company policy at issue in this matter, Bates numbered CIC000001 through CIC000079.  
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1           3.       Attached as **Exhibit 2** is a true and correct copy of the April 24, 2015, Police Traffic  
2 Collision Report, Bates numbered PLAINTIFF000468 through PLAINTIFF000472.

3           4.       Attached as **Exhibit 3** is a true and correct copy of a June 17, 2015, letter from  
4 Continental Insurance Company to Plaintiff, Bates numbered CIC001215 through CIC001216.

5           5.       Attached as **Exhibit 4** is a true and correct copy of a April 10, 2018, facsimile  
6 transmittal of the April 9, 2018, letter from Plaintiff's attorney to Continental Insurance Company,  
7 Bates numbered CIC000108 through CIC000109.

8           6.       Attached as **Exhibit 5** is a true and correct copy of a medical treatment record from  
9 Plaintiff's doctor Blair P. Grubb, M.D., Bates numbered CIC004707 through CIC004708. This  
10 exhibit has been redacted to remove sensitive personal identifying information or non-relevant  
11 information.

12           7.       Attached as **Exhibit 6** is a true and correct copy of the written opinion of  
13 Defendant's expert witness Julia Molander, dated March 15, 2024.

14           8.       Attached as **Exhibit 7** is a true and correct copy of medical treatment records from  
15 Plaintiff's doctor John C. Oakley, M.D., Bates numbered CIC006513 through CIC006521. This  
16 exhibit has been redacted to remove sensitive personal identifying information or non-relevant  
17 information.

18           9.       Attached as **Exhibit 8** is a true and correct copy of medical treatment records from  
19 Plaintiff's doctor Virtaj Singh, M.D., Bates numbered CIC005036 through CIC005040. This  
20 exhibit has been redacted to remove sensitive personal identifying information or non-relevant  
21 information.

22           10.      Attached as **Exhibit 9** is a true and correct copy of medical treatment records from  
23 Plaintiff's doctor John C. Oakley, M.D., Bates numbered CIC005846 through CIC005871. This  
24 exhibit has been redacted to remove sensitive personal identifying information or non-relevant  
25 information.  
26

1           11. Attached as **Exhibit 10** is a true and correct copy of the May 31, 2022, Forensic  
2 Narrative Report issued by Plaintiff's expert Virtaj Singh, M.D., Bates numbered  
3 COHODAS002897 through COHODAS002903, initially provided to Defense counsel on October  
4 7, 2022.

5           12. Attached as **Exhibit 11** is a true and correct copy of the July 12, 2022, Forensic  
6 Addendum Report issued by Plaintiff's expert Virtaj Singh, M.D., Bates numbered  
7 COHODAS002904 through COHODAS002906, initially provided to Defense counsel on October  
8 7, 2022.

9           13. Attached as **Exhibit 12** is a true and correct copy of the October 7, 2022,  
10 Declaration by Plaintiff's expert Blair Grubb, M.D., F.A.C.C., Bates numbered  
11 COHODAS003002 through COHODAS003082, initially provided to Defense counsel on October  
12 7, 2022.

13           14. Attached as **Exhibit 13** is a true and correct copy of an October 13, 2022, email  
14 approving Cindy Davenport's request to increase the reserve amount, Bates numbered CIC004459.

15           15. Attached as **Exhibit 14** is a true and correct copy of an October 13, 2022, email  
16 approving Cindy Davenport's request to increase settlement authority, Bates numbered  
17 CIC004458.

18           16. Attached as **Exhibit 15** is a true and correct copy of the Forsberg & Umlauf invoice  
19 for work performed between July 20, 2021 and September 30, 2021, Bates numbered CIC007488  
20 through CIC007493.

21           17. Attached as **Exhibit 16** is a true and correct copy of the Forsberg & Umlauf invoice  
22 for work performed between October 1, 2021 and November 30, 2021, Bates numbered  
23 CIC007501 through CIC007505.

24           18. Attached as **Exhibit 17** is a true and correct copy of the Forsberg & Umlauf invoice  
25 for work performed between December 6, 2021 and February 14, 2022, Bates numbered  
26 CIC007506 through CIC007510.

1           19.     Attached as **Exhibit 18** is a true and correct copy of the Forsberg & Umlauf invoice  
2 for work performed between March 3, 2022 and May 17, 2022, Bates numbered CIC007484  
3 through CIC007487.

4           20.     Attached as **Exhibit 19** is a true and correct copy of the Forsberg & Umlauf invoice  
5 for work performed between June 15, 2022 and August 29, 2022, Bates numbered CIC007494  
6 through CIC007500.

7           21.     Attached as **Exhibit 20** is a true and correct copy of the demand letter sent by  
8 Plaintiff's counsel to State Farm Auto Claims, dated April 1, 2021, and Bates numbered  
9 PLAINTIFF006221 through PLAINTIFF006315.

10          22.     Attached as **Exhibit 21** is a true and correct copy of the response letter from State  
11 Farm to Plaintiff's counsel, dated April 20, 2021, and Bates numbered PLAINTIFF006323 through  
12 PLAINTIFF00634.

13          23.     Attached as **Exhibit 22** is a true and correct copy of an email from State Farm to  
14 Plaintiff's counsel, dated April 20, 2021, Bates numbered PLAINTIFF006319.

15          24.     Attached as **Exhibit 23** is a true and correct copy of the Complaint in *Samantha*  
16 *Cohodas v. State Farm Fire and Casualty Company*, King County Superior Court, Case No. 21-  
17 2-05425-7 SEA, filed on April 23, 2021, Bates numbered PLAINTIFF003123 through  
18 PLAINTIFF003127.

19          25.     Attached as **Exhibit 24** is a true and correct copy of the Stipulated Motion and  
20 Order to Stay, or in the Alternative, Continue Trial, in *Samantha Cohodas v. State Farm Fire and*  
21 *Casualty Company*, King County Superior Court, Case No. 21-2-05425-7 SEA, entered by the  
22 Court on January 5, 2022, and Bates numbered PLAINTIFF003248 through PLAINTIFF003251.

23          26.     Attached as **Exhibit 25** is a true and correct copy of an email exchange between  
24 Plaintiff's counsel Kari Lester and Tom Crowell of State Farm, dated December 12, 2021, and  
25 Bates numbered PLAINTIFF003213 through PLAINTIFF003215.

27. Attached as **Exhibit 26** is a true and correct copy of transcript excerpts from the deposition of Samantha Cohodas, taken on November 1, 2023.

28. Attached as **Exhibit 27** is a true and correct copy of the June 2023 medical treatment record from Plaintiff's doctor Virtaj Singh, M.D., Bates numbered PLAINTIFF003091 through PLAINTIFF003092. This exhibit has been redacted to remove sensitive personal identifying information or non-relevant information.

29. Attached as **Exhibit 28** is a true and correct copy of the Certification of No Records from Plaintiff's treating doctor Virtaj Singh, M.D., dated January 31, 2024, and Bates numbered MEDICAL\_CIC\_0000357 through MEDICAL\_CIC\_0000358. This exhibit has been redacted to remove sensitive personal identifying information or non-relevant information.

30. Attached as **Exhibit 29** is a true and correct copy of medical treatment records from Plaintiff's doctor Milah Frownfelter, M.D., Bates numbered MEDICAL\_CIC\_0000136 through MEDICAL\_CIC\_0000137. This exhibit has been redacted to remove sensitive personal identifying information or non-relevant information.

31. Attached as **Exhibit 30** is a true and correct copy of transcript excerpts from the deposition of Plaintiff's expert Mary E. Owen, taken on March 29, 2024.

32. Attached as **Exhibit 31** is a true and correct copy of an email string between Cindy Davenport and Plaintiff's counsel Kari Lester, from March 31, 2020 to June 26, 2020, Bates numbered PLAINTIFF000356 through PLAINTIFF000358.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signed at Seattle, Washington on June 6, 2024.

s/ Anthony Todaro

Anthony Todaro, WSBA No. 30391

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 6, 2024, I electronically filed the foregoing document with the  
3 Clerk of the Court using the CM/ECF system, which will send notification of such filing to the  
4 attorneys of record for the parties.

5 Dated this 6th day of June, 2024.

6 *s/ Robert McFadden*

7 Robert McFadden, Case Manager